

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ALLY FINANCIAL INC., a Delaware
Corporation,

Plaintiff,

vs.

THOMAS D. GRETTTER, an Individual;
JOHN D. GRETTTER, an Individual,

Defendants.

Case No. 4:15-CV-00051-SMR-HCA

**PLAINTIFF ALLY FINANCIAL INC.'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR ENTRY OF
DEFAULT JUDGMENT AGAINST
DEFENDANT THOMAS D. GRETTTER**

Plaintiff Ally Financial Inc. (“Ally” or “Plaintiff”), hereby requests that the Court take judicial notice of the following pleadings and records pursuant to Federal Rule of Evidence 201 in support of Ally’s reasserted motion for entry of default judgment by Court against defendant, Thomas D. Gretter, (“Thomas Gretter” or “Defendant”):

1. Complaint captioned, *Ally Financial Inc. v. Thomas D. Gretter, et al, U.S.D.C., S.D. Iowa Case No. 4:15-cv-00051-SMR-HCA*, filed February 13, 2015 [Dkt. No. 1], a true and correct copy of which is attached hereto as **Exhibit A**.

2. Proof of Service of Summons and Complaint on Thomas D. Gretter, returned executed to the Court and filed on May 29, 2015 [Dkt. No. 13]. A true and correct copy of the filed proof of service of summons and complaint on Thomas D. Gretter is attached hereto as **Exhibit B**.

3. Clerk’s Default of Thomas D. Gretter, entered June 16, 2015 [Dkt. No. 19], a true and correct copy of which is attached hereto as **Exhibit C**.

4. Order entered September 29, 2015 on Ally’s Motion for Default Judgment Against Thomas Gretter stating that an order on Ally’s Motion for Default Judgment cannot be entered at this time [Dkt. No. 38], a true and correct copy of which is attached hereto as **Exhibit D**.

5. Order entered January 26, 2016 denying Ally’s Motion for Default Judgment Against Thomas Gretter as premature, without prejudice to its reassertion at a later stage of the proceedings [Dkt. No. 46], a true and correct copy of which is attached hereto as **Exhibit E**.

6. Stipulation for Dismissal of Defendant, John Gretter with Prejudice, filed February 5, 2016 in this Action [Dkt. No. 49], a true and correct copy of which is attached hereto as **Exhibit F**.

7. Order Approving Stipulation Authorizing Debtor-In-Possession Further Use of

Cash Collateral and for Forbearance of Secured Creditor Ally Financial Inc. from Repossession of Collateral entered on January 6, 2015 in the jointly administered bankruptcies of Gretter Autoland, Inc., Gretter Ford Mercury Inc., and Gretter Chevrolet Company, Case No. 14-02831-als11, subsequently converted on October 9, 2015 to Chapter 7 Bankruptcies, currently being jointly administered under Case No. 14-02831-als7 (collectively, the “Dealerships’ Bankruptcy”). A true and correct copy of the Order entered January 6, 2015 is attached hereto as **Exhibit G**.

8. Order entered July 27, 2015 in the Dealerships’ Bankruptcy, granting Ally’s Motion for Relief from Stay, a true and correct copy of which is attached hereto as **Exhibit H**.

9. Order entered August 17, 2015 in the Dealerships’ Bankruptcy giving immediate effect to the Order for Relief from Stay, a true and correct copy of which is attached hereto as **Exhibit I**.

10. Order entered October 9, 2015 in the Dealerships’ Bankruptcy granting the Motion to Convert the Dealerships’ Bankruptcy Case to Chapter 7, a true and correct copy of which is attached hereto as **Exhibit J**.

11. Affidavit in Compliance with Servicemembers Civil Relief Act certifying that there is no information in the Department of Defense Manpower Data Center that indicates that Thomas D. Gretter is indicating that Thomas D. Gretter is in Active Duty Status obtained by my office in connection with this Action, a true and correct copy of which is attached hereto as **Exhibit K**.

Wherefore, Ally respectfully requests that the Court take judicial notice of the foregoing pleadings and records.

DATED: March 16, 2016

BRICK GENTRY P.C.

By: /s/ Douglas A. Fulton

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DATED: March 16, 2016

By: /s/ Eleanor M. Roman

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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this foregoing instrument was served upon all parties to the above cause at their respective addresses disclosed to the left on March 16, 2016 by mail.

By: 

Name: Buffy Abad